

Order dated:29-04-2024

Accused person namely Sunita Singh and Santosh Kumar Singh on interim bail are present by filing hazira along with petition praying for confirmation of their A/I bail.

At this stage accused person namely **Sumit Kumar Singh** have surrendered today. Hence the said accused person is taken into custody and remanded to J/C.

Bail petition along with fresh Vakalatnama have been filed on behalf of the accused person namely Sumit Kumar Singh along with supportive documents. Copy of the same has been supplied to he Ld. P.P-in-Charge of this case.

De facto complainant is absent today.

Ld lawyer for the accused person namely Sumit Kumar Singh submitted that warrant of arrest has been issued against this accused person for no fault of his own as there has been miscommunication of dates with the accused persons. It was further submitted that the accused person namely Sumit Kumar Singh has voluntarily surrendered before this court and his further detention is no longer required and the accused person may be enlarged on bail on any condition.

Ld P.P-in-charge raised objection to such prayer.

Meticulously introspected the case record.

I have traversed the entire gamut of this case and after such exercise I find that confinement of the accused person in judicial custody is not an indispensable necessity for unhindered trial of this case, especially when there is remote possibility of conclusion of trial on an early date in view of the fact that several witnesses are yet to be examined. There is no material to conclude that the accused person has propensity to win over the witnesses or tamper with the evidence if released on bail. It is apposite to delineate that it is sanctified position of law that detention in custody of under-trial prisoners for an indefinite period amounts to violation of Article 21 of the Constitution, as highlighted in **Sanjay Chandra vs. Central Bureau of Investigation, (2012) 1 SCC 40**. It is also pertinent to add that detention at this stage is not punitive. Hence based on the above delineations the prayer for bail stands allowed.

The accused person namely **Sumit Kumar Singh** may find interim bail on furnishing bond of Rs. 2,000/- with two sureties of Rs.1000/- each apart from the previous surety to the satisfaction of the Learned Chief Judicial Magistrate, South 24 parganas at Alipore i/d to J/C. If on bail the accused person shall stay present on each and every subsequent dates and shall not cause any hindrance in smooth progress of the trial.

To 18-07-2024 for appearance and further order.

Interim bail granted to the other accused stands extended till next date under same condition. The accused persons are directed to stay present on the date fixed.

Let a copy of this order be sent to the Ld. Chief Judicial Magistrate, South 24 parganas at Alipore.

Issue notice upon the de facto complainant and he is at liberty to submit necessary objection against the interim bail so granted on this date.

Typed to the dictation directly;
corrected on the system.

Sd/-Subhra Som Ghosal
Additional District and Sessions Judge,
01st Court, Alipore,
South 24 parganas.

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Additional District and Sessions Judge,
01st Court, Alipore,
South 24 parganas.